App. F. IX-4

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Part B for Jany. 1931

SUBJECT.

Copy of the summary of Princes' Suggestions on the occasion of the Conference held at Simla in July 1930

App. F. III—2]

General and Revenue Secretariat | PP File No. 46 of 1930.

Serial No.

DEWAN'S OFFICE 5. JAN. 1931

SECRETARIAT 1930

From the Private Secy to H.H. the Maharaja
D Letter No 716 D 26.12.30.
Forwards for disposal a copy of the Summary of Princes' Suggestions on the occasion of the Conference at Simla in July 1930.
Chief Secy's Orders:— "Register and put up with acknowledgement.
To the Private Secy to H.H. the Maharaja
D.O. No 2686 D 29.12.30.
Acknowledges with thanks the receipt of the above

Issued & recorded as directed

by 29.12.30 CgR)

Sabed for perusal
29/1/31

Dewan
Members of Council ✓

6/1/31

7.1.31

7/1/31

29/1

OFFICE OF THE SECOND MEMBER OF COUNCIL 7 JAN. 1931 No. 5961

OFFICE OF THE THIRD MEMBER OF COUNCIL 7 JAN. 1931 325

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7-30

D.O.No.716-
G

CB 2254

PRIVATE SECRETARY MYSORE

KARAPUR CAMP,

26th DECEMBER 1930.

pp 46-304.

Dear Mr.Ranga Rao,

I am desired to send herewith for favour of disposal a copy of the Summary of Princes' Suggestions on the occasion of the Conference held at Simla in July 1930.

Yours sincerely,

CONFIDENTIAL

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A. GENERAL SUBJECTS.

1. Summary of Princes' Suggestions regarding recommendations of the Simon Report.
2. Memorandum of points for the consideration of His Excellency the Viceroy.

B. SUBJECTS FOR DISCUSSION AT THE ROUND TABLE CONFERENCE.

3. Machinery for justiciable Issues.
4. Machinery for dealing with matters of common concern.
5. Re-organization of the Political Department.

NOTES

Presented to His Excellency the Viceroy by Their Highnesses of the Standing Committee of the Chamber of Princes on the occasion of the Conference held at Simla in July 1930.

10. Usage and Sufference
11. Intervention

With respects from

The Director, Princes Special Organization,

Delhi.

Summary of Princes' Suggestions.

1. The Ruling Princes welcome the view taken by the Indian States' Committee and endorsed by the Indian Statutory Commission that their relationship is with the Crown and that therefore the future Political Relations of the States should be with the Viceroy and not with the Governor-General-in-Council, and would request the Viceroy to have the Government of India Act amended accordingly.

The Princes would like to make it clear that their relationship to the Crown cannot be transferred without their consent to any other authority.

At the same time the princes are in cordial agreement with the suggestion that they should cooperate with British India in matters of Common Concern. They relaise that an All India Federation may possibly prove the most satisfactory solution of India's problem. The Princes further realise that offer of the Council of Greater India should be accepted without hesitation subject to the safeguards provided in the Note dealing with matters of Common Concern as such a Council is not only required to bridge the gap between the introduction of a new constitution in British India and the setting up of an All Indian Federation, but will also in any event serve a useful purpose in providing the machinery for the deliberation of matters of common concern.

2. As regards the proposed Committee on Army Affairs, whatever shape it might finally take, the Princes might agree that their representatives shonld find place on it.

3. The States do not approve of the process recommended by the Commission for giving effect to their fiscal and financial claims. An expert fiscal Committee has been suggested for the purpose of exploring the claims of the States to a share in various heads of Imperial Revenues and for proposing Financial settlements with them. Leaving the freedom of such States as do not accept such proposed settlements to adhere to the present fiscal arrangements uneffected it should be so arranged that as soon as such mutual financial settlements have been agreed on by a State or group of States, they should be given effect to, irrespective of

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what financial relations may be established between the Central and Provincial Governments in British India.

4. The Princes feel the extreme necessity of the immediate institution of a Supreme Court whieh should also act as a Revisory Tribunal in the event of certain cases being revived. This seggestion is developed in the "Memorandum for the consideration of His Excellency the Viceroy". While the Princes approve of the idea of some form of federation for India, they consider that a Court of such a nature is a pre-requisite of this type of Constitution.

5. The Princes desire to make it clear (*i*) that the future Government of India Act must clearly provide that the Treaties and Engagements with the States shall be completely respected, (*ii*) that the matters affecting Personal and Dynastic Status of the Princes will be reserved for the decision of the Crown, subject to certain essential safeguards.

6. **Discussion of the Terms of Reference of the Expert Fiscal Committee.** The personnel should consist of five members of whom two should be nominated by the States, two by British India with an expert Chairman from England who is acceptable to both parties.

7. As Provincial Autonomy, complete or qualified, appears to be the one certain step that would be taken towards a revision of the present Constitution of British India, the Princes desire a declaration that in that event every State, directly or indirectly represented in the Chember, should cease to have poltical relations with the Provincial Governments. With the same object of simplifying political relations the Princes ask that in place of any multiplicity of channels for communication with the Government of India there should be only one medium, either the Agent to the Governor-General or the Political Officer attached to their Courts.

Memorandum for the Consideration of His Excellency the Viceroy

A conference of all the interests concerned is being called in London to meet the British Cabinet in order to discuss and formulate the future Constitution of the Government of India. The object of this Conference so far as it affects the Princes has been stated in the correspondence between Sir John Simon and the Prime Minister as the examination of "methods by which the future relationship of these two constituent parts of greater India may be adjusted".

In His Excellency the Viceroy's announcement of the 31st October, 1929, it was further stated that the Conference would deal with "the wider question of closer relations between the two parts of greater India" and that "both British Indian and all-Indian problems" would form the subject of discussion.

So far as the Princes are concerned they have already expressed in the Chamber their willingness to co-operate cordially in the work of the Conference.

The general point of view of the States may be briefly stated here. It is not of course authoritative in the sense of being an official declaration by the States of their opinions and should not be treated as binding them in any way.

1. So far as the States are concerned the Conference should discuss only:—

a. The future relationship of the Government of British India and the Indian States.

& *b*. The methods of closer co-operation between British India and the States.

Explanation.

The pronouncements quoted in the preceding paragraphs clearly limit the scope of the Conference to these two subjects so far as the Indian States are concerned. Besides, His Excellency the Viceroy has made it clear that the internal Government of Indian States can not form a subject of discussion. The Princes desire that the discussions at the Round Table Conference should be strictly confined to these two subjects and to such other matters only as arise therefrom.

II. In regard to *(a) viz.*, the relationship in which the future Government of British India and the States would stand to each other the Princes desire that the rights, privileges and dignities which they are entitled to enjoy on the basis of their Treaties and Engagements should be fully safeguarded.

Explanation

The Treaties with Indian States are binding on the Crown. Whatever authority the new Government of India might possess, it should not and it could not conceivably have the authority to denounce those treaties. The point of view of the Princes therefore is that there should be a clear provision that the future government of India, however constituted, will have no authority to go against the Treaties which bind the Crown.

The rights and privileges that the Princes desire to be guaranteed to them constitute the internal autonomy of their States. Their view is that the future Constitution while bringing them closer to British India should leave intact their internal autonomy.

III. It follows that there should be some kind of authority created by agreement which would have the necessary statutory power to declare any encroachments, legislative or executive, *ultra vires.*

Explanation.

What is contemplated here is a judicial authority which would be entitled to pronounce decisively on constitutional issues. It is conceivable that a future British Indian legislature might pass a law which runs contrary to the inherent authority of the States. In such a case the provision in the statute safeguarding the rights of the States would be of no value unless there is a superior authority to which an appeal could be preferred. Such an authority should be entitled to decide on the legality of the enactment or executive decision in reference to the treaties and rights of the States.

Besides, there are numerous questions which arise between the States and the Government of India which though fit matters for judical decision, are now subject to excutive orders. The authority contemplated in this section should also be available for deciding such cases.

There must occasionally be disputes between the States themselves. This Court would be competent to adjudicate these disputes if they are referred to it by agreement between both parties.

Any matters that are held to be nonjusticiable will be referable to an Arbitral Court for which the Princes have also asked.

What the Princes have in view is some thing like the Federal Supreme Court of U. S. A.

IV. Since such a machinery could only be put into operation after a certain legislation has been enacted or a course of action taken, it is necessary that there should be some less formal body, consisting of representatives of both British India and the States which would prevent by consultation and cooperation the difficulties otherwise likely to arise.

Explanation.

A Supreme Court can declare a law *ultra vires*, or it can issue an injunction against a certain course of action. But this process would naturally lead to friction and should be utilised only in cases where no other course is open. In order to minimise the chances of friction and obviate the occasions for complaint and bickerings about interference in each other's affairs, there should be some body such as a permanent Standing Committee of British Indian and States' representatives which would by previous consultation make such collisions rare if not impossible.

The Statutory Commission have proposed the creation of a Council of Greater India whose function it would be to advise the Government of India on matters of common concern. In principle this proposal is an acceptance of the claim put forward by the Princes.

V. In matters of all-India policy affecting them jointly with British India, the States should have an adequate voice.

Explanation.

In matters of All-India concern British India should not be entitled to take final decisions without consulting the States. This may be made clear by an example. The defence of India is obviously not merely the defence of British India but of the Indian Empire including

the States. If British India decides to reduce the Indian army below the minimum strength required for the safety of the country, the territories of the Princes would not be secure. It is clear that this is a matter regarding which they are entitled to be consulted. Similar is the case with regard to Railways, International Conventions, Posts and Telegraphs, etc. At the present time the Government of India Consults, often *post facto* the Standing Committee of the Chamber in regard to such matters of All-India concern; but such consultation is ineffective for the purpose of protecting the rights of the States. The King's speech inaugurating the Chamber stated in clear terms that the States would be consulted. The Princes desire that it should not be open to the reformed Government of India to take decisions on certain subjects specially scheduled as being of common concern without previously ascertaining the views of the States through their accredited representatives. This may be done by a Union Council at which the Government of British India and the States would both be represented.

VI. An independent and impartial tribunal should be established with authority to examine grievances arising from past decisions which have been found to be unjust or injurious.

Explanation.

There have been in the past many encroachments on the political and economic rights of the States. The States have acquiesced in some of these, but in many others they have continued to protest and to seek redress at the hands of the Government of India. Many typical cases of this nature were brought to the notice of the Indian States Committee, who of course were not competent to examine these complaints or to redress them. What is suggested here is that an independent tribunal should be set up which should have the power of reopening the decisions and revising them.

VII. The right of appeal to the Crown now possessed by the Princes should continue, in matters affecting their personal and dynastic status.

Explanation.

No Government of British India can be entitled to decide matters personally affecting a Ruler or those affecting his dynasty. Such

matters should continue to be decided by the Viceroy. The Princes however feel that certain safeguards are essential which they suggest His Excellency may be pleased to discuss with them. From the decision of the Viceroy there should be an appeal to the Crown in England.

VIII. The economic freedom of the States should be guaranteed except in so far as the States may willingly come into any agreement with British India.

Explanation.

The Princes have no desire to stand in the way of a Zollverein for the whole of India or of any State or group of States joining a Customs Union. But it is clear that the States cannot be forced to surrender their economic independence for the sake of British India. They should have full freedom to develop their territorries and to follow economic policies suited to their needs. This claim of the States however does not exclude the determination of all-India economic policies by a Central authority in which they are also associated. It must however be understood that the Princes would receive their full share of the revenue yielded by the enforcement of all such policies. The reference is not to customs only: though that is one of the most important items, there are numerous other sources which yield revenue to the Government of India, to which the people of Indian States contribute.

IX. The rights of paramountcy and intervention need to be defined and the principles constituting valid usage and sufferance laid down. This can best be done by negotiations between the Princes and the Viceroy.

Conclusion.

Even If there is no radical change in the constitution of India as a result of the Round Table Conference and the position of the Central Government remains as it is, the Princes would still urge acceptance of the claims put forward in the preceding paragraph. Also, if the present constitution of the Government is to continue, they desire to state their view that it is of the highest importance for them to secure by friendly discussion a definition of the rights of paramountcy and the basis on which the Paramount Power can intervene in the internal

affairs of the States. The Princes should not be uuderstood to desire to restrict the powers of the Viceroy.

As in the future the relationship of the States with the Crown will be through the Viceroy and not through the Governer-General in Council, the Political Department will cease to be a department of the Government of India. It should therefore be made self-contained to enable it to form its own conclusions about questions relating to the States without having to seek the advice of the Technical Departments of the Government of India and the duties of the Political officers should be so defined as to accord more nearly with the original conception of their appointed.

Machinery for the Decision of Justiciable Issues.

In the relations between two or more States and between a single state or a group of states and the Government of India, there often arise questions which are neither matters for diplomacy, nor for executive action, but are suitable only for judicial decision Such for example are questions regarding riparian rights, easements enjoyed by one State in the territory of another, special jurisdiction which some States possess over temples and institutions situated outside their own dominions, and indeed the interpretation of Treaties etc.

2. At the present time such questions are settled by the executive decision of the Government of India. The Government of India are not bound to apply recognised legal principles in their decisions. Their decisions are the orders of a superior authority which is often guided by extra-judicial considerations; they are not judgments resulting from a review of the evidence and based upon the applicable Law.

3. In matters of the class here contemplated justice can only be done on the basis of facts, proved by evidence, and the law laid down by competent authority. Whether a particular state is entitled to receive a certain quantity of water from a river for purposes ef irrigation, or whether a document is capable of the interpretation put on it either by the Government of India or by the Government of a State can best be decided by the Judicial process. Such a process would appear to be the more essential where the Government of India or one of their subordinate local administrations are themselves a party to the dispute.

4. The existing position is equally unsatisfactory in relation to a dispute between two States. Here also the decisions are not based on law and fact. It is conceivable too that irrespective of merits decision might go against a State on account of the personality of its Ruler. The present tendency all over the world is towards judicial settlement of disputes between States.

5. So far as disputes between the States are concerned it is a fact that some treaties provide for the compulsory arbitration of the Government of India whose decision is binding on both parties. But the disputes between

the States and the Government of India are in a different category and Lord Reading's dictum that "it is the right and prerogative of the Paramount Power to decide all disputes that arise between the States or between one of the States and itself" seems too general in its import and even opposed to the fundamental conception of Justice.

6. So far as disputes between one State and another are concerned, even in cases where the Treaties make no such provision it is the right of the Paramount Power to decide such disputes. But taking into consideration the spirit of the age, it is hoped that the Paramount Power will agree that these cases be referred to a judicial or arbitral tribunal if both parties agree to such a course.

At the date of Treaties the States' agreement to the compulsory arbitration of their disputes by the Paramount Power represented a great advance on the then existing position. The only course then open to the States for the decision of disputes with their neighbours was the arbitrament of war. But today the whole civilised community has accepted the principles of judicial settlement as applicable between the strongest and weakest parties.

7. The establishment of a judicial machinery for the settlement of such disputes as are justiciable would help, too, to inspire confidence in the justice of any award respecting matters in issue between a State and the Government of India.

8. The States therefore request that the present system of settling all questions of a justiciable nature in issue between States and the Government of India may be renounced and a suitable Judicial machinery should be devised and established to which the States can resort as of right. The fear that the States would grow too litigious is an exaggerated one. Apart from questions of ensuring Justice and of removing a complaint which is *prima facie* legitimate, a great advantage gained by the institution of the recommended machinery would be that if a State lost its case, its resentment would not be against the opponent and so it would not nurse grievances as it is inclined to do under the present system.

Need for Machinery to Deal with Matters of Common Concern.

At the present time there are numerous subjects affecting India as a whole–both Provinces and States–which are decided by the Government of India without consulting the States. The result is that the interests of the States are often overlooked. The most important of these subjects are Railways, Posts and Telegraphs, Air Navigation, Customs and Currency. The Simon Report recognises the injustice of this policy of deciding all-India questions without reference to the States. Vol. II para 17.

2. The States urge that in deciding policies regarding matters of common concern their interests should receive full consideration. To that end, far the best way seems to be that the States should have a share in determining the policies in regard to All-India matters and if possible in controlling their execution. Such association of the States was perhaps not feasible in times gone by when there was no effective method of collectively consulting the States. But, with the institution of the Chamber of Princes that position has ceased to exist. The Princes are organised in a body and they elect every year a Standing Committee which, under their authority, is entitled to discuss with the Government of India matters affecting the States as a whole. The few Rulers who do not attend the Chamber would doubtless be willing to be associated with the machinery here proposed.

3. This principle of discussing with the Rulers questions which jointly affect British India and themselves is laid down in the Proclamation of His Majesty the King Emperer, establishing the Chamber of Princes. His Majesty said :—

> "My Viceroy will take its counsel freely in matters relating to the territories of Indian States generally and in matters that affect these territories jointly with British India or with the rest of my Empire".

His Majesty added:—

> "This work (of framing the constitution) is now complete; and it remains for me to take the final step to bring the Chamber into being, in the confident hope that the united counsels of the Princes and Rulers, assembled in formal conclave will be fruitful of lasting good both to themselves and their subjects,

and *by advancing the interests that are common to their territories and to British India*, will benefit My Empire as a whole".

The right of the States to be consulted in matters affecting them jointly with British India is therefore not in doubt.

4. It is undeniable that the States have in the past grievously suffered from the fact that they had no voice in the decision of matters affecting India as a whole. As a result not merely have they been financially crippled but their political rights also have suffered. Instances need not be quoted. Economically the States have suffered even more. An example is provided by the recent imposition of the protective duty on cotton goods imported into India. This measure was frankly undertaken in the interest of the Bombay Cotton Mill industry. As such it may or may not have been justified from the point of view of British India. But the new duties imposed raise the price of cotton goods in Indian States no less than in British India. Thus in the interests of the Bombay Mill-owners and of British Indian Revenue, the people of the States are forced to pay a much heavier price for a necessity of their lives, even if certain Mills in Indian States may benefit. The policy of the impost, though this is a matter which obviously concerns Indian States no less than British India, was not discussed with the States.

5. The example of the protective duty on cotton goods brings out effectively the reason for the feeling that exists in the States that matters of common concern are now decided purely in accordance with the financial and economic exigencies of British India and the decisions affect the States. A policy of true commonweal can only result from taking into consideration all interests in the country.

The Princes therefore propose.

(1) that a schedule of subjects of common concern should be drawn up and be revisable only by joint consent.

& (2) that there should be established without delay suitable machinery by which the interests of the States can be safeguarded in those matters.

P. S.

Since this note was written the Report of the Statutory Commission has been published. The Commission recommend the constitution of a Council to discuss matters of common concern. The Princes consider that

the suggestion would meet their demand provided the following conditions are satisfied :—

(1) that representation of the States in the Council is effective ;

(2) that the acceptance of economic demands already put forward by the States is made in no way dependent on their joining the Council of Greater India ;

(3) that their share of the future revenue resulting from the measures recommended by the Council of Greater India will be allotted to the States ;

(4) that the composition and the mode of selection of State representatives and the rules of business and procedure of the Council will be decided in consultation with them.

Note on the Political Department.

1. The position of the Political Department in relation to the Princes is one which invests its activities with unique authority and its decisions which like the decisions of all human institutions are not uniformly infallible. with an inviolable sanctity. Those affected by its decisions, which are issued in the name of His Excellency the Viceroy or the Governor-General in Council. have seldom an opportunity of considering. and expressing an opinion on them before they assume their final form, and the decisions are enforced by the officers of the Department with an unflinching firmness born of the assurance that there is no forum before which they can be criticised by those whom they affect, and no judicial tribunal whose scrutiny on appeal they need fear. It is not suggested that the Department or many of its officers are not inspired by a sense of justice or sympathy towards the States. Indeed. from many of the officers of the Department and invariably from its head who is His Excellency the Viceroy, the Princes have, in the past, received the utmost courtesy and the most sympathetic consideration. But, the Department is, strictly speaking, responsible to no body of opinion in India; its decisions are liable to review by no authority in India but itself, and these facts have not unnatuarlly given rise to the feeling that the virtually autocratic powers it wields, perhaps, amount to a constitutional anachronism. Therefore, in justice to those over whose destinies the Department wields a profound influence, and indeed, in the interests of the relations which ought to exist between the Paramount Power and the Princes its procedure should be subjected to a friendly examination by His Excellency the Viceroy in association with the Princes.

2. It has been said that its decisions are immune from effective criticism or questioning. The reasons for this may be briefly explained :–

(1) The Political Department claims the right of being the sole interpreter of the doctrines of Paramountcy, Usage and Sufferance. In doing this is has not hesitated to support its views by feudal and legal theories which, by common consent, are now held inapplicable to Indian States. Claims have been put forward in the name of suzerainty, allegiance, loyalty, fealty and obedience. It may be noted that the terms are reminiscent of mediaeval fevdalism which have had the effect of steadily reducing the States' quantum of rights and authority. As the Department is the ultimate arbiter of its own claims, the States have not had and cannot have even the satisfaction of having its decisions reviewed by a third party.

(2) As the only authoritative interpreter of Paramountcy, the Department has been free to bring all measures, which it may have been led to favour, within the purview of that doctrine. The only limitations on this freedom were (*a*) facts of history, and (*b*) the terms of the Treaties by which the rights of States are regulated. So long as the Department is the official historian of the States and the sole interpreter of the Treaties these limitations connot be very effective. The narrative portions of Aitchison's volumes constitute a history which is regarded as sacrosanct.

(3) The States are dealt with individually, and, until recently, they were not in a position to consult among themselves or to express a collective opinion. There are instances in which argument against a State's claim was based on the ground that other equally important States had not raised objections.

3. The extraordinary concentration of exclusive power described above gives the Political Department a degree of authority which is not enjoyed by any other Department of the Government of India. The States have learnt from experience that any attempt to bring the activities of its officers before the public would be fraught with serious consequences to themselves. The fact that it is included in the portfolio of His Excellency the Viceroy whose control of the Department the princes value and for whom, as the representative of His Majesty the king Emperor, they have an instinctive and profound regard makes it extremely difficult to question the decisions taken. Nothing therefore, that thh Department may do to them is ever publicly challenged by them. And it is completely immune from scrutiny, while the Central Legislature of British India is competent to look into every field of administration not excluding the Army. And the immunity of the Department is not confined to India. In effect it is not responsible even to the British Parliament. So far as can be recalled, except on one solitary occasion when the late Mr. Bradlaugh moved an adjournment of the House of Commons on the question of intervention in Kashmir, the activities of the Department have never formed the subject of debate in the British Parliament.

4. It must be addmitted that latterly, and more specially since the institution of the Chamber of Princes, the policy pursued by the Department has been comparatively more tolerant and responsive. Nevertheless, the Princes feel that the policy has fluctuated with individuals and therefore they feel that a reconstitution of the Department is necessary not only in their

individual interests but in the larger interest of the maintenance of the proper relations between them and the Paramount Power. For, the maintenance of such relations is dependent upon their contentment. Partly their wishes in the matter will be met by a definition of the scope of Paramountcy and Intervention and the delimitation of Usage and Sufferance for which they have asked separately. But the machinery through which their relations with the Paramount Power must be regulated also needs overhauling. It has to be made less rigid; and its operation more open, and its general functioning more responsive to the legitimate wishes of those whom its decisions most intimately affect. It also needs to be made self-contained so as not to have to rely for technical advice upon the Departments of the British Indian Government which, being in a sense vested interests, are apt to view parochially any claim of a State.

5. His Excellency as Viceroy and therefore responsible to regulate in a spirit of trust and generosity the relation between the Crown and the States despite the fact that the Political Department is in his portfolio-and indeed it is so retained because of the Princes-would be the best judge of how to give effect to these express wishes of the Princes and States with a view to induce in their minds a lasting sense of security. He would, doubtless, ensure too that the duties of Political Agents and Residents are in future brought more into conformity with accepted diplomatic usage. The Princes would rejoice too to see the Political Department once again enabled to resist outside pressure and to champion the rights of their States.

Dynastic Matters.

In any future system of Indian administration under which matters pertaining to the States become subject either to judicial decision or to decision through the agency of some special constitutional machinery, the Princes insist that questions which affect their dynasties should not be brought within the purview of any such deciding authorities but with essential safeguards should continue to be in the charge of the Viceroy as the representative in India of the Crown. For matters of common concern to British India and the States, or at issue between States *interse*, or between a State or a group of States and the Government of India, the Princes earnestly desire the creation of regular judicial and constitutional machinery. But neither of these institutions can be invested with the power to decide issues which relate to the personal or dynastic rights of a Ruler, now determined by the Crown.

2. The issues contemplated relate to the dignity, status and the prerogative of a Ruler and they comprise the right of succession to a State and the partial or complete withdrawal of a Ruler's powers on valid grounds. These matters, it is believed, are even now decided in the first instance by the *Viceroy* as representing the King Emperor in India. The delegation of these powers to any individual or corporate body responsible to the Legislature would be not only undesirable but derogatory to the sovereign status of the Princes.

3. The Princes, however, venture to observe that the present procedure, leading up to the Viceroy's decision in these matters, urgently needs change. And they ask that the procedure in reguard to the decision of these matters which most intimately touch the sentiment, not only of the Ruler concerned, but indeed of the whole Princely Order, may well form the subject of mutual cousultation. By the application of this method not only will the dangers of error in assessing local traditions, usage, and sentiment, which are now inadequately ascertained through the local representatives of the Governor-General, be avoided, but the decisions given will also avoid unfavourable repercussions amongst the Princes and States generally, by securing to the King's representative interpretation of tradition and custom by those most qualified to express an opinion on them.

4. This procedure would not limit or restrict the discretion or authority of the Viceroy. The Princes are not claiming that either should be shared

with them. The decision would rest with the King's representative. All that they claim is the opportunity to give advice.

5. To sum up, the Princes urge :

(1) that their personal and dynastic matters should be excluded from the purview of any constitutional machinery-Judicial or otherwise that may be set up for the adjustment of relations between British India and the Indian States;

(2) that subject to certain safeguards in respect of procedure to be discussed later such matters should continue to be decided, as now, by the Viceroy, as the representative of the King Emperor.

Sanads.

1. In the practice of the Political Department the right claimed by the Government of India to issue Sanads has often been used to restrict the authority of the Rulers and to create new obligations. The two most conspicuous examples are the Sanads of adoption of 1862 and the Sanads issued from 1894 onwards to the Behar and Orrissa States.

2. The Sanads of 1862 were in fact intended to restore confidence and as such were only an assurance by the Government of India that the policy they had followed previous to the Mutiny of annexing certain class of States on the failure of natural heirs will not be continued. The Government of the East India Company had claimed, on the basis of feudal theory, the right to refuse recognition in cases of adoption in certain classes of States. It is imsortant to recognise that no such claim had been advanced as a universal principle. The claim was not to be made applicable to States which were in treaty alliance with the Company. As a result of the Mutiny the Government resiled from the position it had taken up and assured the States that the so-called doctrine of lapse would not be enforced. This is the true interpretation of the Sanads of 1862. It is clear that so for as the States in treaty alliance were concerned, the matter was never in doubt. Even in regard to others the Sanad was merely an acceptance by the Government that policy previously pursued was wrong and an assurance that no attempt would be made to resurrect that policy. It has however been argued that in issuing those Sanads even to States, admitted to be outside the operation of the doctrine of lapse, the Government was conferring a boon, while it was actually only reassuring the States of its intentions and recognising their inherent rights . In these Sanads the Government added conditions which have been adduced, among other arguments; to prove the acceptance by the Rulers of the reduction of their status *vis-a-vis* the Government of India.

3. It may be argued that it was open to the Princes to decline the Sanads of 1862, if they considered the condition attached to them unacceptable. In the first place it might be emphasized that the Princes had only shortly before received Queen Victoria's assurances in her proclamation of 1858, regarding respect of their rights snd privileges " as her own ". Thus these Sanads were in the nature of a "Surplusage". Secondly the only condition laid down in the Sanad was that the Ruling family should be loyal to the Crown. The Princes could not therefore, even by a stretch of

imagination anticipate that the acceptance of these Sanads, which merely enjoined loyalty to the Crown, would be taken as an admission by them of their consent to the diminution of their status or the reduction of their sovereighnty; for surely loyalty is the essence of alliance. That a diminution of status was deduced from the condition of loyalty in the Sanads would not be disputed. The Resolution of the Government of India on the Nabha case states that the acceptance of the Sanad of adoption gave them a right to intervene in the affairs of that State. The same argument was advanced in Lord Reading's letter to His Exalted Highness the Nizam.

4. The Sanads issued to the Orissa States purported to define their status (already defined by the treaties and formal assurances of 1803 to 1829) and to confer on their Rulers titles, privileges and authority. These had been guaranteed to them by their treaties and formal assurances and were in no way derived from the British Government. And yet the Sanads of 1894 and subsequent years, which by the wording of their preamble itself were meant only to define the relations in which these States stood to the Government of India, materially restricted their jurisdiction, imposed limitations on their executive authority, and attached conditions to their privileges.

5. It is clear that a Sanad by way of grant becomes a superfluity when the grantee already enjoys the powers which the Sanad purports to grant; when it proceeds further and restricts those powers its grant comes positively near to an act of usurpation. The Princes do not deny the right of the Crown to issue Sanads. When a Sanad grants either new rights or restores rights which had been ceded to the Crown, it may validly incorporate conditions and the grantee is at liberty to accept the Sanad or not assuming that he is a free agent. If the benefits are accepted the conditions must also be accepted and such a grant becomes "a treaty by way of Sanad". But when a Sanad merely purports to define existing rights, (as in the case of the Behar and Orissa Sates), or is issued as an acknowledgement or admission of those rights by the Crown, it cannot create new obligations nor restrict rights which the other party is already enjoying.

6. But the practice of the Government of India has been based on the assumption that these Sanads can override treaties and engagements and render inoperative previous express limitations on the authority of the Crown. By the treaties of 1803 to 1829 the Orissa States were recognised to

possess internal sovereignty including full rights of jurisdiction. Their hereditary titles and dignities were accepted and recognised. But by the Sanads of 1894 onwards not merely were these treaties overridden and the status of the rulers reduced, but their authority and titles were declared to have been granted to them. Their jurisdiction was restricted and they were even forbidden to catch wild elephants in their own territories except by permission. Thus the Sanads seriously encroached upon the rights of these States which had been freely recognised before.

7. The view held by the Princes is that Sanads which have resulted from the necessity to acknowledge existing rights or to define existing status cannot impose new obligations or restrict the powers of the State. In other words, Sanads which do not confer any new right can only be considered as the Crown's formal acknowledgment of a right already possessed by the States. If the opposite point of view be accepted it will become within the competence of the crown to reduce the powers and status of any State by issuing to it a Sanad and insisting upon its acceptance by the State and by a repetition of the process to abolish the State.

Revisory Tribunal.

It has been admitted by the highest authority that the past practice of the Government of India has led to many encroachments on the political and economic rights of the States. Speaking at the Princes' Conference in November, 1919, Lord Chelmsford made the following observations:—

> "There is no doubt that with the growth of new conditions and the unification of India under the British Power Political doctrine has constantly developed. In the case of extra-territorial jurisdiction, railway and telegraph construction, limitation of armaments, coinage, currency and opium policy, and the administration of cantonments—to give some of the more salient instances—the relations between many States and the Imperial Government have been changed. The change, however, has come about in the interests of India as a whole and I need hardly say that there has been no deliberate wish to curtail the powers of Princes and Chiefs. We cannot deny, however, that the treaty position has been affected, and that a body of usage, in some cases arbitrary, but always benevolent, has insensibly come into being".

2. As there have been infringements of treaty rights in the past, it would appear reasonable to ask that the wrongs—political and economic—done to the States, should as far as possible be rectified. The Justice of this suggestion would be the more apparent where a matter is still regarded as outstanding, or where an existing arrangement was accepted only under formal protest.

3. Many cases of this nature were laid before the Indian States' Committee as illustrative of the operation of the present system. The types of matters which clamour for redress may be classified under the following heads:—

(1) Assumption by the Paramount Power of Sovereign rights over defined areas and persons.

(2) The enlargement of British influence and authority during minority and 'interregnum' administrations.

(3) Disregard of agreements.

(4) Imposition of restrictions on the authority of States within their territories.

(5) Imposition of restrictions on the economic development of the States.

4. Under the first head fall cases arising out of the presence in States of British Cantonments, Residency areas, Railway Stations and lines, Europeans British Indian officials and (in some States) British Indians; as also those arising out of the exclusion of the sovereign rights of States over their feudatories and Tributaries. Under the second fall cases too varied to be summarised. In principle it has sometimes been admitted that the authority thus assumed is not permanently maintainable, but the general position endures. Under the third heading come direct breaches of agreements, *e. g.*, the imposition of Sanads on the Orissa States in disregard of original Treaty Engagements, and numerous other instances of this nature. Under the fourth, cases of the restriction of the authority of the States represented, for example, by the claim to send for judicial record and other files and of the restriction of legislative and other activity. The last heading comprises cases of economic injustice from which the States have suffered in the past and are still suffering:

e. g.,

(*a*) The affectuation of Government's Salt and Opium monopoly in many cases by the payment of inadequate compensation and in some of none.

(*b*) The subjection of the States (excluding Kashmir on account of a commercial Treaty) to British Sea Customs.

(*c*) The principle of the assessment of the British Indian Income Tax which compels the States' subjects to pay a double tax.

d) Restrictions on mineral, Port and Railway development, limitation of Water-rights, and many other disabilities.

5. Though the hampering restrictions are common to practically all the States, tne decisions which the States ask to be revised are particular to individual States. The Indian States' Committee were not competent to redress those grievances, nor were they asked to do so. They were placed before them to illustrate the operation of the 'political system'. But that Committee has said that the implied claims have been referred to the Political Department for examination. That department would, doubtless, endeavour to examine all claims and to satisfy those that are found to be just. Indeed, it must be admitted that in recent years there have been fewer in-

stances of the appropriation of the rights of the States and the treatment of them has been along comparatively more liberal lines. But even so the great necessity of definite countervailing principles remains.

6. However, it is fully recognised that every case of injustice which has occured during the last century can not now be re-opened. It is also recognised that if this were possible, the result may, in some cases be a political unsettlemet. But then, what questions can or cannot be re-opened, is itself a matter for judicial enquiry. Generally, from the standpoint of the States all decisions that have caused financial injustice, or that were intended to apply temporarily but have remained in force, political settlements against which constant protests have been made, and questions which have always been treated as being under discussion, should be open to re-examination.

The proposal of the States therefore is that an independent and impartial judicial tribunal should be set up with power to declare whether a case which any State might bring before it is one that on merits should be re-opened; and if the tribunal should hold that the case before it is one which should be reconsidered, it should also have authority to revise the subsisting decision.

The Princes earnestly hope that this would be regarded as a reasonable request if only because the decisions that would come up for review by the proposed tribunal are all of them extra-judicial in character.

Proposed Terms of Reference to the Expert Body.

1. To enquire into the financial and economic relations between British India and the States, and to make any recommendations that the Committee may consider desirable or necessary for their more satisfactory adjustment.

In particular, the Expert Body shall consider and report

(1) on the extent to which the States are entitled to a share of the revenues of the Government of India and the extent to which the States should bear a share of the burden of the expenditure of the Government of India.

(2) on the desirability of instituting a Customs Union in India, and if that Uuion is set up, the principles which should govern the entry of any State into that Union and the manner in which it should be administered, and

(3) on the extent to which the economic life of the States is adversely affected by the fiscal policies of the Government of India and the measures by which the disabilities of the States may be removed or relief provided to them.

As far as possible, the Expert Body shall draw up firstly an approximate financial settlement between the Government of India and the States as a whole and finally financial settlements between the Government of India and each State or group of States based upon its recommendations on the various matters placed before the Expert Body.

The Expert Body shall apply the principles set out in the Annexure to these terms of reference. The Expert Body may also adopt any other principles which, in their opinion, should be held to apply to the matters under consideration. The draft settlement should show, as far as possible, the effect of the adoption of any principle which is not included in the Annexure.

DRAFT ANNEXURE.

Principles to be applied by the Expert Body.

1. The Government of India acting on behalf of the Paramount Power is entitled to require States to act in such a manner as to enable that Power to fulfil its international obligations, provided

(*a*) that States have been consulted before such international obligations were entered into, and

(*b*) that nothing more is required from the States than is required collectively from British India or individually from its Provinces.

2. Subject to the provisions of Principle 1. the States are not to be subjected to any financial burdens.

3. Whenever the imposition of a tax or duty upon goods which are consumed or used increases the price to the consumer or user, the States are entitled to a share of such tax or duty in respect of goods consumed or used within the States.

4. The Government of India may claim from the States such expenditure as that government has to incur in consequence of their existence provided that such expenditure is not incidental to the relationship of the States to the Paramount Power or to the discharge of the obligation owed by that Power to the States.

Usage and Sufferance.

1. Usage and Sufferance are claimed to provide sanction for many a practice and this militates against the rights of the States. The object of this Note is very briefly to explain the position of the States in regard to the true limits of usage as a source of rights.

2. Two preliminary considerations of a general character may first be set down. To be valid a usage must have, as one authority (Lord Bryce) has put it, "a certain extension in Time and a certain extension in Space. It must have prevailed over so long a period that no one can deny its existence. It must have prevailed over so wide an area that it cannot be alleged to be a mere local usage".

3. These limitations were in theory accepted by the Government of India as early as 1877. The Government of India declared in that year that "a uniform and long continued course of practice acquiesced in by the party against whom it tells, whether that party be the British Government or the Native State, must be held to exhibit the relations which in fact subsist between them".

4. This important declaration subjects usage to three limitations: (*i*) that the usage should be uniform, (*ii*) that it should be long continued, (*iii*) that it should have been acquiesced in by the party against whom it tells. But these principles which the Government of India accepted in theory have not been followed in practice. Sir Robert Holland, then A. G. G. in Rajputana, in a letter to the Princes of Rajputana (dated 27th March, 1920) admitted frankly that "precedents evolving under special circumstances in individual States were declared without proper scrutiny or due consideration to be applicable to States as a body".

5. The point of view of the States is that this practice of declaring a usage which has developed in an individual State as applicable to the States in general is fundamentally wrong, as it is based on an admittedly incorrect assumption, *viz.*, that the relationship of all the States with the British Government is one and the same. As a matter of fact, these relationships are recognised as deriving from diverse treaties or engagements which each State individually has with the Crown. The position of each State therefore is *ex hypothesi* different from that of any other State. A usage developed in one State cannot in consequence be made applicable to all the States. Yet this has been the practice as has been authoritatively admitted, and much

of the body of usage on which the Government of India at present rely would be found to have developed in this manner.

6. Before any usage can be held binding against an individual State, it must be proved that it was uniformly followed in that State over a considerable period of time. The mere fact that on one or two occasions a Ruler did not formally take objection to a certain course of action, does not establish practice nor does it give rise to a usage having the force of an agreement. Again, even continuous usage does not create any right if the Ruler concerned acquiesced in the practice only under protest or merely kept silent, for silence without acquiescence could not be interpreted as consent. Usage implies free assent; without it there can be no usage. Therefore, if it could be proved that if there was assent on the part of a Ruler it was not voluntary, or again, that a formal protest was made at any time, the practice for which the force of usage may be claimed would lack validity.

7. Besides these general principles, there are two special considerations which nullify usage in relation to Indian States. The States maintain that no usage which originated either during a minority when the administration of a State was carried on by or under the advice of a British Officer, or during a regime, in which the Ruler's powers were restricted, can be considered binding on that State. During such periods the position of the Government of India is that of a trustee and if a usage grows up which adversely affects the rights of the State or benefits the trustee, the Government of India should declare such usage invalid however long it may have lasted. Further, the States ask that it should be laid down that whenever usage is questioned by a State and is found not to satisfy even the conditions laid down in 1877 by the Government of India themselves, it shall be abandoned.

8. Similarly, no usage that conflicts with the express provisions of the treaty which governs the relationship of a State to the Crown can be held as valid. Valid usage can supplement, it cannot abrogate a treaty.

9. The States do not deny that there is scope for the growth of legitimate usage in the relations between the States and the Government of India. But they do deny that there can be any general body of usage applicable to all the States, as usage from its very nature, as pointed out in para 5 *supra* must develop in individual States, and to become valid must satisfy the generally accepted conditions. As a treaty with one State csnnot be held to

be applicable to another, so the usage of one State cannot be applied to another.

10. All these arguments apply equally to claims based on sufferance. There is, however, one further point which has to be taken into consideration in deciding the validity of sufferance. When the party which claims political rights on the basis of sufferance is also the Paramount Power which is able to dictate and has in fact dictated to the States—the other party, sufferance is a misnomer for compulsory acquiescence. It is the result of the political helplessness of the States, which have no option but to submit, often without even a protest, to the decrees of the Paramount Power. Having regard to its position it is only right that such submission or acquiescence should not be treated by the Paramount Power as conferring on it a right.

11. Hitherto usage and sufferance have in the great majority of cases operated only against the States. The pronouncement of 1877 (para 3 *supra*) accepts the principle that usage, when valid, would operate against the party acquiescing in it, whether it be the Government of India or an Indian State. If instances can be found where the local representatives of the Government of India not merely abstained from asserting certain rights on behalf of their Government but acknowledged those rights as belonging to the States and admitted that the Government of India did not possess them, such usage would be entitled to enforcement.

12. The Princes therefore propose

(*a*) That a practice considered applicable to all States on the basis that it has obtained in one or more States should not be regarded as binding all the States, for usage or sufferance can only bind the individual State where they have acquired validity.

(*b*) That even with regard to individual States, any particular usage, which is found not to satisfy the principles generally accepted, should be abandoned.

(*c*) That no usage which conflicts with the express provisions of a Treaty should in any circumstances be regarded as valid.

(*d*) That usage, when found to be valid, must bind not only a State but also the Government of India.

Intervention.

His Excellency the Viceroy addressing the Chamber of Princes on November the 22nd, 1926, observed as follows:—

> "As regards our official relations, I need hardly assure Your Highnesses that I realise to the full the sanctity and binding nature of the treaties and Sanads, and that I shall do all in my power to observe them. But as Your Highnesses and I are aware, there is another aspect of our relations and I do not think that in practice we shall find ourselves in disagreement as to the *proper limits of intervention*. The general policy of Government remains, as it has been in the past, a policy of non-interference in affairs that are internal to the State. It is *only in* extreme cases that the Paramount Power will intervene....."

The fact is that in the past the Paramount Power have intervened in circumstances and in a manner which have given rise to misgivings in the minds of the Princes. In order to remove uncertainty and avoid misunderstandings the Princes ask that the occasions on which the Paramount Power must intervene should be defined after discussion with them.

2. The Government of India have not so far specifically defined on behalf of the Paramount Power the occasions on which it would intervene in the affairs of the States. On two important occasions they formulated various conditional propositions that on analysis yield the principles which, in theory, the British Government, that is, the Paramount Power would, appear to have adopted for their guidance. In the Baroda case the Government of India stated (1873):—

"If these obligations (those of a sovereign) are not fulfilled, if gross misgovernment be permitted, if substantial justice be not done to the subjects of the Baroda State, if life and property be not protected and if the general welfare of the country and people be persistently neglected, the British Government will assuredly intervene....."

In the letter which Lord Reading wrote to the Nizam on March the 27th, 1926, it was stated:—

"The British Government have shown again and again that they have no desire to exercise this right (of intervention) without grave reason.

But the internal, no less than the external security which the Ruling Princes enjoy is due ultimately to the protecting power of the British Government and where Imperial interests are concerned or the general welfare of the people of a State is grievously affected by the action of the Government, it is with the Paramount Power that the ultimate responsibility of taking remedial action, if necessary, must lie.'

3. If the British Government's view as to the occasions which justify intervention be deduced from a combination of these two pronouncements, those occasions would arise

(1) If the obligations of sovereignty are disregarded.
(2) If gross misgovernment be permitted in a State.
(3) If substantial justice be not done.
(4) If life and property be not protected.
(5) If the general welfare of the country be persistently neglected.
(6) Where Imperial interests are concerned.

The first five conditions taken together merely afford a comprehensive definition of systematic mis-government. Therefore, in reality the occasions on which forcible intervention is held justified by the Paramount Power are

(1) when there is serious mis-government in a State;

& (2) when Imperial interests require it.

4. No definition however has so far been vouchsafed of 'Imperial interests'. Presumably they cannot be the financial and economic interests of British India or the Empire.

5. Thus the two pronouncements quoted above, on analysis, yield the result that the Paramount Power desires to intervene only when there is gross mis-government in a State. But though in principle the intention to intervene would appear to be confined to this one occasion, yet in practice it has not been so. In the past intervention has taken place on other grounds.

6. The procedure in vogue is open to abuse. The Viceroy has to base on secret reports his judgment of the nature and extent of mis-government. The Prince concerned has no opportunity to rebut or disprove the allegations made. And the secret reports must necessarily be one-sided. Then allowance has to be made for the personal equation. The relations between a Ruler and a Political Officer may not be cordial. Neither may be to blame and yet the actions of the one, in themselves un-exceptionable, if viewed by the

other without understanding or without sympathy, may seem to be fraught with evil consequences and, indeed, danger. Further, the source of information upon which a secret report is based may not in all cases be dependable.

7. Another disquieting feature of the practice in regard to intervention is that in the absence of settled principles each case threatens to become a precedent. Precedents have come into being and have served. This is an unsatisfactory method of developing a system.

8. So far intervention has been discussed in the limited sense of interposition of British authority to depose Rulers or to curtail their powers. But intervention takes other forms and is directed to ends other than these. It embraces the whole field of State activity, in so far that not unoften Political Officers impose their views and policy on the Administrations of States against the conviction of those who have to shoulder responsibility. Rulers are sometimes asked not to carry out policies which they have decided upon after mature deliberation and on the advice of their Ministers. They are not permitted to buy their own experience. Complaints from the subjects and servants of States are entertained even where the subsisting Treaties expressly prohibit such action. Cases are known in which the Resident asked that the decisions of Courts should not be executed until he had satisfied himself that there had been no miscarriage of justice. Officers have been forced upon States and the expulsion from service of tried servants has been demanded. Indeed, there is no matter in which a certain type of Political Officer does not consider himself entitled to intervene.

9. The comprehensive form of intervention is often invidious in exercise. It generally takes the form of advice but in effect is intervention as non-compliance is fraught with serious danger.

10. The foregoing observations have been necessitated not merely by the past collective experience of the States but even more by what the Butler Committee have said as to the justification for intervention in a variety of circumstances :—

> In para 50 of their Report they observe that Intervention may take place (*a*) for the benefit of the Princes, (*b*) of the State (*c*) of India as a whole and (*d*) in case of "Widespread popular demand for change" of the form of Government and in subsequent paragraphs they argue that it is fully warranted and justified for any of these reasons.

As the purpose of this Note is to explain the position of the Princes and by no means to raise a controversy, it would be out of place at this stage to challenge the premises from which the Committee have drawn their conclusions, *e. g.*, the argument that the right of the Paramount Power to settle successions, to sanction adoption, to provide for the administrations of a State during the minority of a Ruler arises out of Lord Canning's Sanads of 1862. It is more to the purpose to state that the Princes demur to the view of the Committee as to the many purposes for which the Paramount Power may justifiably intervene and, indeed, must. For example, the views of the Princes either as regards the administrative conditions, in the past insisted upon by the Government of India during a Minority or as regards the education of minor Princes do not coincide with those of that Government.

Incidentally it may be remarked that in stating their view of the purposes of Intervention, the Committee have assigned to the Paramount Power rights which that Power has itself never claimed. For example, the suppression of Suttee and Infanticide was brought about by invoking the co-operation of the States and not by the exercise of the right of Intervention.

Similarly, by what appears a strange misconception of fact and theory the Committee have in effect laid down *inter alia* that the Paramount Power is justified in demanding from the States unquestioning submission to its will on International grounds and on the ground that its interference with a State's sovereignty is for the economic good of India as a whole.

This dictum would on examination be found to be untenable if only because it has not furnished in the past the basis of consistent action by the Paramount Power. Manifestly a common Currency for the whole of India would be for the economic good of India as a whole but the Paramount Power has not yet found it possible to attain that consummation.

Nor are the Committee true to facts when they affirm that the Paramount Power has found it necessary in the interests of India as a whole to introduce British jurisdiction into the States. It can be shown for example. that the jurisdiction exercised by the British officers, where troops were stationed within the territories of States, was initially derived by solicitation from the Governments of the States. Likewise, the Committee's statement. that the reservation of jurisdiction by the Paramount Power over servants

of the Crown in certain circumstances has been occasioned by regard for the interests of India as a whole, is not exactly unarguable, although in point of fact, in the matter of exclusive jurisdiction, the Government of India have gone beyond the 'servants of the Crown' and even prevented certain States from exercising jurisdiction even over ordinary British Indian subjects.

It would therefore be obvious that confronted as they are with such strange theories, apparently deduced from "political practice", in which the States have not acquiesced, the Princes have to ask that the bases of intervention should be discussed and defined.

11. They ask in particular:—

(1) that the occasions on which the Paramount Power must intervene to depose, or secure the abdication of a Ruler, or submit him to administrative checks should be defined after discussion with them.

(2) In regard to other forms of intervention, the present practice of interference in details, where such interference is not justified by treaties aud engagements, should be abandoned.

12. The Princes are convinced that the results obtained would be inval uable. The Rulers would be able to administer their States better and the removal of all causes of friction and discontent in the States with the British Government would be a source of strength to the Paramount Power rather than of weakness.

13. This Note may aptly conclude with a quotation from Lord Parmoor's speech in the House of Lords (Times of India, dated 5th April 1930) in replying for Government to the suggestion that His Majesty's Government should intervene to prevent the persecution of Bishops in Russia:—

"TWO CONDITIONS."

"Firstly it would need to have an over-whelmingly accurate proof that wrongs were being committed so grave in their nature and extent that they came to be the concern of the whole of the civilised world. The principle that one country should not seek to interfere with the internal affairs of another was not a matter of diplomatic propriety. It was an essential condition of relations of any kind between one Government and another.

"Secondly Government must have good reason to hope that its action would really alleviate such wrongs or at least not do more harm than good".

This is practically what Lord Hastings said in his day when dealing with the question of intervention in the affairs of States in alliance with His Majesty.

14. It is requested that in connection with the general question of Intervention a reference may be made to pp 30, 37, 69, and 86 of the book called "The British Crown and the Indian States", which forms an introduction to the evidence laid before the Indian States' Committee on behalf of the States.

GENERAL AND REVENUE SECRETARIAT,

Bangalore, 22/12/1930.

D. O. No. 2698
P. P

Dear Sir Charles,

I am desired to acknowledge with thanks the receipt of the copy of the Summary of Princes' Suggestions on the occasion of the Conference held at Simla in July 1930, sent with your D.O. letter No. 716 dated 26th December 1930 addressed to Mr. Ranga Rao.

Yours sincerely,

To

Sir Charles Todhunter, K.C.S.I.,
Private Secretary to His Highness
the Maharaja of Mysore,
M y s o r e.